

## REMARKS

Claims 1 through 20 are pending in the case.

Claims 1 through 20 have been rejected.

### Reply to New Arguments Raised by Examiner

In the new discussion of claim 1, Examiner appears to have misread what is shown in figure 2-1 of Agilent Technologies PSA Series Spectrum Analyzers (Agilent). Specifically, Examiner appears to be arguing that the diamond mark in figure 2-1 is showing a “center frequency”. This is clearly incorrect.

In figure 2-1, on the bottom of the graph, the text specifically states the center frequency is at 30.00 MHz. The diamond marker is located at 10.00 MHz. On this basis alone it is clear that Examiner’s assertion that the diamond marker is located at a center frequency is not correct.

In figure 2-1, the diamond marker is a delta marker placed by a user. See page 10 of Agilent. The diamond marker is not part of a band marker, as set out in claim 1 and the diamond marker does not mark a center frequency that is located halfway between a start frequency and a stop frequency, as is set out by claim 1.

Examiner has made several additional incorrect assertions about what is shown in figure 2-1. For example, Examiner appears to be arguing that the diamond marker shown in figure 2-1 is simultaneously marking the center

frequency for the start and stop frequency marked in figures 8-7 and 8-8. This is clearly incorrect.

In both figure 8-7 and figure 8-8, the center frequency is listed as 1.96 GHz. In figure 2-1, the center frequency is listed as 30.00 MHz. The diamond marker in figure 2-1 is located at 10.00 MHz. It is clear, therefore, that the diamond marker in figure 2-1 is not marking a center frequency for figure 2-1, figure 8-7 or figure 8-8.

Also, Applicant notes that Examiner's assertion that the diamond marker shown in figure 2-1 is *simultaneously* marking the center frequency for the start and stop frequency marked in figures 8-7 and 8-8 is also clearly erroneous. There is nothing simultaneous about the display shown in figure 2-1 and the displays shown in figures 8-7 and 8-8. For example, the date listed in the display shown in figure 2-1 is October 23, 2000. The date listed in the display shown in figure 8-7 is March 23, 2002. The date listed in the display shown in figure 8-8 is October 8, 2001.

It is very clear that the diamond marker shown in figure 2-1 of Agilent is not marking a center frequency located half way between a start frequency and a stop frequency as set out in claim 1, and is not part of a band marker simultaneously marking a center frequency, a start frequency and a stop frequency as set out in claim 1.

Examiner has asserted that the pending claims must be "given the broadest reasonable interpretation consistent with the specification". Applicant does not believe that Examiner's interpretation of what is shown in

figure 2-1 of Agilent is reasonable. No person of ordinary skill in the art would mistakenly assume that the diamond marker shown in figure 2-1 of Agilent is marking the center frequency for the band marking shown in figure 8-7 or figure 8-8 of Agilent. Any person of ordinary skill in the art would recognize that this is an unreasonable interpretation of what is shown in figure 2-1 of Agilent.

**Discussion of Rejection of claims under 35 U.S.C. § 102**

Claims 1 through 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Agilent.

Below, Applicant points out subject matter within each independent claim that is not disclosed or suggested by the cited art. On the basis of this, Applicant believes the independent claims discussed below and all the claims dependent thereon are patentable over the cited art.

**Discussion of Independent Claim 1**

Claim 1 sets out a method for performing a function on a selected portion of a signal. In claim 1, a start frequency, a stop frequency and a center frequency are simultaneously marked by a band marker. The center frequency is located half way between the start frequency and the stop frequency. This is not disclosed or suggested by the cited art.

Examiner has suggested that marking of a center frequency is disclosed by a diamond marker shown in figure 2-1 of Agilent. This is incorrect.

In figure 2-1, the diamond marker is a delta marker placed by a user. See page 10 of Agilent. The diamond marker is not part of a band marker, as set out in claim 1 and the diamond marker does not mark a center frequency that is located halfway between a start frequency and a stop frequency, as is set out by claim 1.

In figure 2-1, on the bottom of the graph, the text specifically states the center frequency is at 30.00 MHz. The diamond marker is located at 10.00 MHz. On this basis alone it is clear that Examiner's assertion that the diamond marker is located at a center frequency is not correct.

Examiner appears to be arguing that the diamond marker shown in figure 2-1 is simultaneously marking the center frequency for the start and stop frequency marked in figures 8-7 and 8-8. This is clearly incorrect.

In both figure 8-7 and figure 8-8, the center frequency is listed as 1.96 GHz. In figure 2-1, the center frequency is listed as 30.00 MHz. The diamond marker in figure 2-1 is located at 10.00 MHz. It is clear, therefore, that the diamond marker in figure 2-1 is not marking a center frequency for figure 2-1, figure 8-7 or figure 8-8.

Also, Applicant notes that Examiner's assertion that the diamond marker shown in figure 2-1 is *simultaneously* marking the center frequency for the start and stop frequency marked in figures 8-7 and 8-8 is also clearly erroneous. There is nothing simultaneous about the display shown in figure 2-1 and the displays shown in figures 8-7 and 8-8. For example, the date listed in the display shown in figure 2-1 is October 23, 2000. The date listed in the

display shown in figure 8-7 is March 23, 2002. The date listed in the display shown in figure 8-8 is October 8, 2001.

It is very clear that the diamond marker shown in figure 2-1 of Agilent is not marking a center frequency located half way between a start frequency and a stop frequency as set out in claim 1, and is not part of a band marker simultaneously marking a center frequency, a start frequency and a stop frequency as set out in claim 1.

#### Discussion of Independent Claim 7

Claim 7 sets out a user interface for an electronic instrument. In claim 7, a band marker demarks a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth, a stop frequency and a center frequency of the bandwidth. This is not disclosed or suggested by the cited art.

Examiner has suggested that marking of a center frequency is disclosed by a diamond marker shown in figure 2-1 of Agilent. This is incorrect.

In figure 2-1, the diamond marker is a delta marker placed by a user. See page 10 of Agilent. The diamond marker is not part of a band marker, as set out in claim 7 and the diamond marker does not mark a center frequency of a bandwidth located halfway between a marked start frequency and a marked stop frequency, as is set out by claim 7.

In figure 2-1, on the bottom of the graph, the text specifically states the center frequency is at 30.00 MHz. The diamond marker is located at 10.00

MHz. On this basis alone it is clear that Examiner's assertion that the diamond marker is located at a center frequency is not correct.

Examiner appears to be arguing that the diamond marker shown in figure 2-1 is simultaneously marking the center frequency for the start and stop frequency marked in figures 8-7 and 8-8. This is clearly incorrect.

In both figure 8-7 and figure 8-8, the center frequency is listed as 1.96 GHz. In figure 2-1, the center frequency is listed as 30.00 MHz. The diamond marker in figure 2-1 is located at 10.00 MHz. It is clear, therefore, that the diamond marker in figure 2-1 is not marking a center frequency for figure 2-1, figure 8-7 or figure 8-8.

Also, Applicant notes that Examiner's assertion that the diamond marker shown in figure 2-1 is *simultaneously* marking the center frequency for the start and stop frequency marked in figures 8-7 and 8-8 is also clearly erroneous. There is nothing simultaneous about the display shown in figure 2-1 and the displays shown in figures 8-7 and 8-8. For example, the date listed in the display shown in figure 2-1 is October 23, 2000. The date listed in the display shown in figure 8-7 is March 23, 2002. The date listed in the display shown in figure 8-8 is October 8, 2001.

It is very clear that the diamond marker shown in figure 2-1 of Agilent is not marking a center frequency located half way between a start frequency and a stop frequency as set out in claim 7, and is not part of a band marker simultaneously marking a center frequency, a start frequency and a stop frequency as set out in claim 7.

### Discussion of Independent Claim 14

Claim 14 sets out a user interface for an electronic instrument. In claim 14, a band marker demarks a bandwidth of the signal by simultaneously marking a start frequency of the bandwidth, a stop frequency of the bandwidth and a center frequency of the bandwidth. The electronic instrument performs a mathematical operation on the bandwidth of the signal between the start frequency and the stop frequency and displays a numerical value representing a result of the mathematical operation. This is not disclosed or suggested by the cited art.

Examiner has suggested that marking of a center frequency is disclosed by a diamond marker shown in figure 2-1 of Agilent. This is incorrect.

In figure 2-1, the diamond marker is a delta marker placed by a user. See page 10 of Agilent. The diamond marker is not part of a band marker, as set out in claim 14 and the diamond marker does not mark a center frequency of a bandwidth located halfway between a marked start frequency and a marked stop frequency, as is set out by claim 14.

In figure 2-1, on the bottom of the graph, the text specifically states the center frequency is at 30.00 MHz. The diamond marker is located at 10.00 MHz. On this basis alone it is clear that Examiner's assertion that the diamond marker is located at a center frequency is not correct.

Examiner appears to be arguing that the diamond marker shown in figure 2-1 is simultaneously marking the center frequency for the start and stop frequency marked in figures 8-7 and 8-8. This is clearly incorrect.

In both figure 8-7 and figure 8-8, the center frequency is listed as 1.96 GHz. In figure 2-1, the center frequency is listed as 30.00 MHz. The diamond marker in figure 2-1 is located at 10.00 MHz. It is clear, therefore, that the diamond marker in figure 2-1 is not marking a center frequency for figure 2-1, figure 8-7 or figure 8-8.

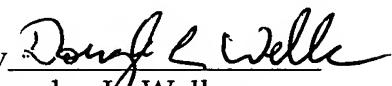
Also, Applicant notes that Examiner's assertion that the diamond marker shown in figure 2-1 is *simultaneously* marking the center frequency for the start and stop frequency marked in figures 8-7 and 8-8 is also clearly erroneous. There is nothing simultaneous about the display shown in figure 2-1 and the displays shown in figures 8-7 and 8-8. For example, the date listed in the display shown in figure 2-1 is October 23, 2000. The date listed in the display shown in figure 8-7 is March 23, 2002. The date listed in the display shown in figure 8-8 is October 8, 2001.

It is very clear that the diamond marker shown in figure 2-1 of Agilent is not marking a center frequency located half way between a start frequency and a stop frequency as set out in claim 14, and is not part of a band marker simultaneously marking a center frequency, a start frequency and a stop frequency as set out in claim 14.

Conclusion

Applicant believes this case is in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,  
CORYDON JOSEPH BOYAN  
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